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**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
088/01925

In Re Application Of: Ari DEROWE et al.

Serial No.
09/701,531

Filing Date
November 28, 2000

Examiner
TAN-UYEN, T. Ho

Group Art Unit
3731

Title: METHODS AND DEVICES FOR VASCULAR SURGERY

TO THE COMMISSIONER FOR PATENTS:

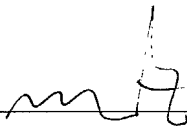
Transmitted herewith is:

Response to Election Requirement dated April 19, 2004

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in the above identified application.

- ☒ No additional fee is required.
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Signature

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Dated: May 13, 2004

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CC:

088/01925 A05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ari DEROWE, et al.
Serial Number: 09/701,531
Filed: November 28, 2000
For: METHODS AND DEVICES FOR VASCULAR SURGERY
Examiner: Tan-Uyen T. HO
Art Unit: 3731

Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

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ELECTION AND TRAVERSE

Sir:

This letter is filed further to an Office Action dated April 19, 2004. The present application contains claims 143-158, 200-205 and 219-248. The claims stand subject to a restriction requirement.

Applicants elect the group including claims 233-248 with traverse.

Although the different claims of the application may relate to distinct inventions, the claims are not directed to independent inventions as defined by MPEP §802. MPEP §802 states that the term independent means that there is no disclosed relationship between the two or more subjects disclosed, that is they are unconnected in design, operation or effect. All the claims of the four groups brought forth by the Examiner are directed to hole punchers or their use and therefore are related (i.e., not independent).

As stated in MPEP §808.02, in order to insist upon restriction of related inventions the Examiner must show one of: separate classification, a separate status in the art, or a different field of search. As all four groups relate to hole punchers they should all be classified in the same sub-class. Applicants respectfully submit that the classification of the group of claims 233-248 in the sub-class of anastomatic connectors 606/153 is inappropriate, since claim 233 relates to providing a connector through a lumen in a hole puncher. Except for the general requirement that the connector is of a type that includes a spike, claim 233 does not add additional requirements relating to the connector. As the field of hole punchers for blood vessels is quite distinct, all the claims

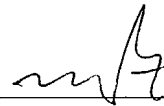
in the application can be searched together and none of the claims relates to a field that established a separate status in the art.

In particular, applicants note that claims 200 and 233 relate to hole punchers having a lumen. There is no reason that these claims should be classified or searched separately.

Furthermore, in order for a restriction to be proper, there must be a serious burden on the Examiner (MPEP §803). As the Examiner already performed a search for claims 143-158 and 200-206, and since the search field of the claims is the same. Applicants respectfully submit that there is no serious burden in examining all the claims of the application.

In view of the above remarks, applicants respectfully request examination on the merits of all the claims of record. If considered helpful to forward the prosecution of the application, the Examiner is respectfully requested to contact the undersigned at toll free 1 (877) 428-5468. This number connects directly to our office in Israel. Please note that Israel is 7 hours ahead of Washington and that our work week is Sunday-Thursday.

Respectfully Submitted,
Ari DEROWE et al.



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